

HOUSE BILL 1594
By West

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 35, relative to private protective services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding the following as a new appropriately designated section:

Section 62-35-142.

(a) Any person properly registered or licensed under this chapter who is hired or employed to patrol, guard or render a similar service on private property shall be granted the authority and power to issue traffic citations to any persons violating or charged with violating any of the speeding statutes as prescribed in subsection (c) of this section, but shall have such powers only on the aforementioned property.

(b) The provisions of this section shall only apply if the property owner, including any corporation or homeowners' association holding title to community roads and excluding those only holding easements over such roads, shall file a written consent stating that the undersigned is the owner of the private roads shown on an attached plat and consents to the application of the provisions of Title 55, Chapter 8, Part 1, for purposes of highway safety on such private roads.

(c) The consent shall be executed with the same formalities as a deed. The deed and the plat shall be filed with the register of deeds for the county in which the private road is located and with the sheriff of such county. Such filing shall not constitute a dedication to the public of such roads nor shall it constitute permission by the owner for the public to use such roads. The written consent shall become effective thirty (30) days from the date it is filed with the register of deeds.

(d) The owner or a majority of the owners of the private roads, as the case may be, shall submit proposed speed limits and proposed locations for traffic control signs to the sheriff of the county in which the roads are located and shall obtain the sheriff's written approval of such speed limits and traffic control signs. Such approval shall be filed with the register of deeds. The affected roads may then be posted by signs identical or similar to those used on public roads.

(e) Only persons properly registered or licensed under this chapter who have the proper equipment to measure the speed of a motor vehicle and who have adequate training on the use of such equipment may issue traffic citations pursuant to this section.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.